

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RANDAL LEE BERTRAM

MAILED

JUN 30 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2003-1913
Application No. 09/089,098

ON BRIEF

Before HARKCOM, *Acting Chief Administrative Patent Judge*,
WILLIAM F. SMITH, and NASE, *Administrative Patent Judges*.

Per Curiam.

REMAND TO THE EXAMINER

The Office of the Group Director of Technology Center 2100 has requested that this application be remanded to the jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Accordingly, we *remand*.

If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the Board so that the appeal may be restored.

Appeal No. 2003-1913
Application No. 09/089,098

This application, by virtue of its "special" status, requires **immediate** action by the examiner. **See** MPEP § 708.01(d). The Board of Patent Appeals and Interferences **must** be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

REMANDED

Gary V. Harkcom
GARY V. HARKCOM, Acting Chief)
Administrative Patent Judge)
)
William F. Smith
WILLIAM F. SMITH) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)
Jeffrey V. Nase
JEFFREY V. NASE)
Administrative Patent Judge)

GVH/vsh

Appeal No. 2003-1913
Application No. 09/089,098

IBM CORPORATION
P.O. BOX 12195
DEPT 9CCA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709